ANDOVER BOARD OF HEALTH

Minutes April 13, 2009, 6 P.M. 1st Floor Conference Room 36 Bartlet Street

The Board of Health meeting was called to order at 6:01 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Margaret N. Kruse, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- Regular Meeting of March 9, 2009
- Executive Session of March 9, 2009

Ms. Martin stated that the minutes of the March Regular and Executive Sessions would be deferred to the next meeting.

II. Appointments & Hearings

• 6:00 p.m. - Public Hearing Concerning a Variance from sewer regulations to install an automatic grease interceptor in lieu of in-ground trap at Gale International, 600 Federal Street – The Hearing was opened at 6:01 p.m. Present was Matthew Cipriani for Gale International, 600 Federal Street. Matt Cipriani was present to request a variance from the automatic grease trap requirement under the new regulations. The regulations require an in-ground grease trap. The applicant has agreed to install an automatic grease trap within two years due to the prohibitive expense of the trap & kitchen renovations. An automatic grease trap skims grease to an exterior container. Ms. Martin asked if this was an acceptable alternative in all cases. Mr. Carbone responded that it is suitable for all retrofits because it requires minimal re-piping. The regulations will be revised to make this an automatic approval. The level of work under a Building Permit triggers the requirement to comply with the new regulations for an in-ground grease trap. The applicant did not have further comment. Mr. Carbone recommended approval with the following conditions: the grease interceptor must be installed by April 1, 2011, a plumbing permit must be pulled for the installation, the existing trap must be cleaned & logged monthly, the decision of the variance must be filed at the Registry of Deeds, and the variance will expire upon installation. Mr. Carbone will write the approval letter.

Motion by Dr. Miller to approve the variance, seconded by Ms. Kruse with the aforementioned conditions. Unanimous Approval.

III. Discussion

• Outdoor Seating Smoking Ban – There was limited feedback received during the public comment period and Hearing session. Ms. Martin stated that some of the mailed comments received on the proposal recommended 'leaving it alone'. Dr. Miller stated that no restaurant owners provided any comment. Ms. Kruse feels there were more pro's supporting the ban. Mr. Carbone clarified that the ban is in any service area and that food does not necessarily need to be served. The Board examined sections 6 & 10 and discussed the need for signage to inform the public of the ban. Compliance is enforced for a willful violation and either the restaurant owner or a smoker can be fined.

Motion by Dr. Miller to adopt the outdoor smoking ban regulations with the changes discussed to be made by Mr. Carbone. Unanimous Approval.

• Revised Watershed By Law - Mr. Carbone and John Zipeto met with the Conservation Commission last week. There were no huge issues, but questions were raised on whether two sections conflict. Paul Finger, Conservation Commission member, also made some suggestions, which Mr. Carbone is not recommending. Al French commented on the trail design of existing trails with no changes in the slope and no prohibition for new trails to be built. The Planning Board meeting is on April 14, 2009 and next would be the Board of Selectmen on April 27, 2009.

Motion by Ms. Martin to accept the April 8, 2009 draft revised Watershed Protection District By-Law, seconded by Ms. Kruse. Unanimous Approval.

Private Article to extend sewer to Chester St. / Mitton Ci. / Oak St. / Tewksbury St. - Ms. Martin asked if this article was being presented due to septic system failures. Mr. Carbone explained that private residents and not DPW or the Town is putting this built-out sewer betterment plan forward. Ms. Kruse asked whether the Town has higher priorities or if the money should be put elsewhere. Ms. Martin commented that the Finance Committee would have to vote it into the budget and that the BOH would always support better sewer access. Ms. Martin asked what is indentified in the Master Plan as the next areas of priority for sewer expansion. Mr. Carbone informed the BOH that the Town has no plans now and he would love to install sewer around Haggetts Pond. Ms. Kruse commented that the health benefit at Haggetts Pond is higher. Ms. Martin asked how the BOH could do anything but endorse a betterment plan. Mr. Carbone suggested an endorsement subject to the Town's ability to fund it. Ms. Kruse added that they could endorse all sewer projects. Mr. Carbone stated that they could delay a stance on it until their questions are answered by Jack Petkus, DPW Director, and continue it to the May meeting. Ms. Martin commented that wetlands are in the area. Ms. Kruse stated that sewer and water are separate monies in the enterprise fund and asked, if approved, if this particular project would delay sewer elsewhere on the Master Plan. Ms. Martin commented on the need to see the Master Plan. Mr. Carbone will ask Jack Petkus if this project would delay more important work on the sewer and where it fits into the Master Plan. Ms.

Kruse also wants to know where Haggetts Pond falls on the plan. Ms. Martin and Dr. Miller asked that the Master Plan set priorities based on health & impact.

IV. Old Business

- Ms. Martin asked for Mr. Carbone's report on the methamphetamine lab. Mr. Carbone reported that it was a 'shoe box' lab for personal use by the owners' son. The house is now condemned and the elderly owners are no longer living there. Mr. Carbone is dealing with their other son. From his inspection, he required them to hire a consultant to conduct an indoor air assessment, which has been done showing no VOC's are left. Mr. Carbone has not received the report yet. The cleaning of contaminated surfaces will be recommended. Mr. Carbone noted that the house has other problems: failed septic, water leaks, unsafe deck, and health issues of the elderly owners.
- Ms. Martin asked if 187 Elm Street property is ready for occupancy. Mr. Carbone reported that it is not ready for occupancy but has a short list to complete before the condemnation order is lifted. The oil tank needs to be removed, proper smoke detectors need to be installed and some building issues need to be finished. He voiced concern that problems will return. There is no manpower to monitor the situation after the condemnation is lifted.
- Ms. Martin asked for an update on the Wolfes / Carriage Hill Road. Mr. Carbone reported that Mr. Wolfe asked the judge to reject the motion to dismiss, which the judge denied. Ms. Martin asked if a lien or variance could be placed on the property. Mr. Carbone stated that a Title V inspection is required to sell the property. Ms. Kruse added that it's required if the house is to be sold outside the family.

V. Subdivision Definitive Plans

N/A

VI. Plan Review

• **D.W.R.P Variances/Local Upgrade Approval** – **42 Greenwood Road** - Mr. Carbone presented the local upgrade approval for 42 Greenwood Road. They are seeking to construct the system 4' off the ground water where 5' is required due to wetland constraints. Mr. Carbone recommended approval.

Motion by Ms. Martin to approve the Local Upgrade Approval for 42 Greenwood Road, seconded by Ms. Kruse. Unanimous Approval.

VII. Staff Reports

A. Director's Report:

- <u>Tobacco Control:</u> Mr. Carbone reported a 10-15% cutback. Ron Beauregard made a proposed budget that is under the 10-15% cuts. There will be no change in his hours with a 10% cut. Two compliance checks per year will be done. If there were a 15% cut, there would be a reduction in hours, which Ron is prepared for.
- Cupcake Boutique Mr. Carbone reported that Selectman Ted Teichert tried to assist to work things out. There was no interference. Sharon Breighner (owner) got a 2-day temporary permit to bake at the Knights of Columbus in Lawrence last weekend. There have been ongoing communication issues. Mr. Carbone did not reinstate her permit and wants her to write a plan so that he will know what's going on. Although she is closed this week, she will re-open on Friday to take orders. Mr. Carbone does not know the location of her 'new store'. The Andover Spa is still a 'dry store' / display. Mr. Carbone has also spoken with the Food Inspector in Haverhill where Sharon will rent space. Ms. Kruse asked if she could cook in Haverhill and sell in Andover. Ms. Martin stated that she needs an approved plan. Mr. Carbone explained that she could take orders, but could not fill them without a permit from Andover.
- Train Idling Complaint Mr. Carbone stated that the complaint was for trains behind Brickstone Square and that the DEP is not involved. There is periodic track maintenance, perhaps once per quarter.
- Important Dates:
 - ° May 11, 2009 @ 6 p.m. BOH Meeting
 - ° May 26, 27, & 28 Town Meeting
- B. Nurses' Report for March, 2009 N/A
- C. Inspectors' Reports for March, 2009 N/A

VIII. Board Member Reports

• N/A

IX. Adjournment

Motion by Ms. Kruse, seconded by Ms. Martin to adjourn at 6:45 p.m. Unanimous approval.